



Date: 16 October 2020

IOI GROUP

IOI PELITA LAND DISPUTE RESOLUTION PROCESS

IOI and Grassroots Joint Statement IV

A year ago, IOI and the Sarawak-based NGO called CICOM embarked on the most difficult stage of the conflict resolution process: Community Participatory Mapping. This process is divided into two major steps; field surveys and verification of final maps. Field surveys constitute the activity requiring most attention and energy: organizing the participants, conducting the land survey transects and recording the coordinates of the individual and communal boundaries and other more specific areas. By contrast, the verification work is less intense and involves verification of the maps and inventorization of any other material claims by the claimants.

The mapping process involved many participants: village chiefs, elders, individual land-owners, their neighbors, and the CICOM team. It was further complicated by the sheer size of the area (9,040 ha), large number of households (503), ethnic diversity (five ethnic groups spread over 8 communities), and the existence of overlapping land claims and related intercommunal conflicts dating many years back.

The IOI-CICOM team, supported with advice by Grassroots, was aware of and prepared to face the complexity, but it did not foresee other complications, such as the COVID-19 pandemic as well as some unexpected developments that affected the process and caused significant delays in the implementation of that crucial stage.

Furthermore, the growing complexity and scale of the task, including the increased number of affected groups, have created demand for in-person briefings as part of obtaining Free, Prior and Informed Consent (FPIC) with new groups, field-experienced surveyors, equipment and logistical organization outside of CICOM's original capacity.

Despite all these difficulties, the IOI-CICOM-Grassroots team worked steadfastly, increased the number of surveyors in the field, and handled the obstacles in a constructive and open manner. As a result, CICOM managed to complete the field surveys by the end of July 2020 and began the socialization and verification of the maps in early August 2020.

The map verification work has faced the following challenges, from which valuable lessons have been learned:

- a. ***Repeated Covid-19 movement restrictions in Malaysia*** affecting IOI's ability to operate, stopping or disrupting fieldwork as well as inhibiting the multi-disciplinary, multi-organizational implementation team from working efficiently and at full capacity.
- b. ***Addition of another affected community***, the Penans of Long Lapok, which submitted their land claims to IOI Pelita only in July 2020.
- c. ***Late claims from a group of 48 farmers from the LTKA community***, who for some reason missed the deadline for completing the survey. IOI Pelita agreed to send CICOM's surveyors back to the field to assist these farmers with mapping their individual land plots.
- d. ***Objection to the participatory mapping process*** by Long Jegan community, which from the very start of the conflict resolution process claimed the entire area of IOI Pelita's Provisional Lease as the sole territorial domain of the Berawan ethnic group. The Long Jegan community sent a letter to RSPO on 7 August 2020 complaining that IOI and CICOM were helping other affected communities to conduct their community participatory mapping without consulting with Long Jegan to avoid overlapping claims. In order to prevent a withdrawal of Long Jegan from the conflict resolution process, IOI and other stakeholders met with their leaders, explained again the concept of

Community Participatory Mapping, and convinced them to continue their participation in the mapping process.

At this point it is clear that the overlapping land claims and the related intercommunal land conflicts will continue to be a major factor that makes the IOI Pelita case difficult to tackle. These conflicts have been there for many decades but have not been addressed by anyone, including the communities themselves. It is likely that these internal land disputes were deemed too complicated due to the absence of convincing documentation or other historical evidence that would help to determine whether indeed one community has encroached on another community's land.

It has also become clear that Long Jegan and other communities were counting on IOI Pelita to resolve their conflicts with other communities. The stakeholders, including IOI, NGOs, and local authorities, had to point out many times that the pre-existing inter-community disputes are beyond IOI's authority and should be directed to either the District Officer or Native Court. IOI Pelita can only try to facilitate that process, which it has been doing.

It is all stakeholders' hope that the inter-community land disputes will not disrupt the completion of the Community Participatory Mapping stage of the resolution process and that all issues and grievances will be brought to the last stage, Negotiations for Final Dispute Settlement, where they will receive due consideration.

The Community Participatory Mapping is now entering its last phase and the team is doing its best to complete it by November 2020. This revised target is realistic despite the challenges the team is currently facing. The last stage, Negotiation for Final Dispute Settlement will then start shortly afterwards.

With the wealth of information and insights obtained by the IOI-CICOM-Grassroots team over the first two stages of the resolution process, the prospects for a fair and lasting resolution of the IOI Pelita land conflict have become real and positive, but as always, the complexity of the case should not be underestimated. The goal is to be inclusive and identify positive steps to mitigate issues and resolve dissatisfactions. Balancing expectations of communities, government and other stakeholders requires careful steps. These important steps form part of the ongoing effort to maintain momentum. We are confident the skills and experience of all involved in the current implementation will bring the case to a final resolution.